

CLD-333

August 2, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 07-1882

UNITED STATES OF AMERICA

vs.

COREY D. ROSENDARY

a/k/a Corey Rosendary

a/k/a Corey Duane Rosendary

(W.D. PA. CIV. NO. 03-CR-00029-1E)
(Criminal treated as Civil)

Present: RENDELL, SMITH and JORDAN, CIRCUIT JUDGES

Submitted is appellant's application for a certificate of appealability under
28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/LLB/par

ORDER

The foregoing request for a certificate of appealability is denied. Appellant has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-el v. Cockrell, 537 U.S. 322, 327 (2003). His motion to vacate sentence under 28 U.S.C. § 2255 is untimely for the reasons given by the District Court, and any amendment to the motion would have been untimely as well.

By the Court,

/s/ Kent A. Jordan
Circuit Judge

Dated: August 24, 2007
par/cc: A.B.C., Esq.
R.L.E., Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk